

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 11, 2020

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

MARIA M.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:19-CV-05288-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 26, 31

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 31, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Christopher Dellert represents Plaintiff. Attorney David Burdett

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 represents Defendant. The parties have consented to proceed before a magistrate
2 judge. ECF No. 7.

3 After consideration, **IT IS HEREBY ORDERED** that:

4 1. The parties' Stipulated Motion for Remand, **ECF No. 31**, is **GRANTED**.

5 2. The above-captioned case be **REVERSED** and **REMANDED** to the
6 Commissioner of Social Security for further administrative proceeding pursuant to
7 sentence four of 42 U.S.C. § 405(g).

8 On remand, the parties stipulate that:

9 The Appeals Council will instruct the ALJ to:

- 10 • Further develop the record;
- 11 • Re-evaluate the opinion evidence;
- 12 • Re-evaluate Plaintiff's residual functional capacity;
- 13 • Give Plaintiff an opportunity for a hearing; and
- 14 • Issue a new decision.

15 ECF No. 31 at 1-2.

16 3. Judgment shall be entered for **PLAINTIFF**.

17 4. Plaintiff's Motion for Summary Judgment, **ECF No. 26**, is **STRICKEN**
18 **AS MOOT**.

19 5. Upon proper presentation, this Court consider Plaintiff's application for
20 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter**
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED December 11, 2020.

4 s/Mary K. Dimke
5 MARY K. DIMKE
6 UNITED STATES MAGISTRATE JUDGE
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